1	BRAD D. BRIAN (CA Bar No. 079001, pro hac vice) Brad.Brian@mto.com		77.100 001 1 1 1 1 2 1 2 1 2 1 2 1 2 1 2 1	
2	LUIS LI (CA Bar No. 156081, pro hac vice)		2011 JAN 19 PM 4: 1	
3	Luis.Li@mto.com TRUC T. DO (CA Bar No. 191845, pro hac vice	- GEALLY MUNE, CLERK		
4	Truc.Do@mto.com MIRIAM L. SEIFTER (CA Bar No. 269589, pro hac vice) Miriam Seifter@mto.com BOBBI JO BALL BY:			
5	MUNGER, TOLLES & OLSON LLP			
6	355 South Grand Avenue, Thirty-Fifth Floor Los Angeles, CA 90071-1560			
7	Telephone: (213) 683-9100			
8	THOMAS K. KELLY (AZ Bar No. 012025) tskelly@kellydefense.com			
9	425 E. Gurley Prescott, Arizona 86301			
10	Telephone: (928) 445-5484			
11	Attorneys for Defendant JAMES ARTHUR RAY			
12	SUPERIOR COURT OF STATE OF ARIZONA COUNTY OF YAVAPAI			
13	COUNTY OF YAVAPAI			
14	STATE OF ARIZONA,	CASE NO. V1300CR2	01080049	
15	Plaintiff,	Hon. Warren Darrow		
16	vs. JAMES ARTHUR RAY,	DIVISION PTB		
17	Defendant.	DEFENDANT JAME	1	
18		STATEMENT OF COMP.	EL DISCLOSURE	
19		OF ALL INFORMAT MATERIAL REGAR	DING THE	
20		MEDICAL EXAMINE ON CAUSE OF DEAT	ΓH, AND FOR	
21	SANCTIONS; DECLARATION OF TRUC T. DO			
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	12736507.1			
	STATEMENT OF COSTS REGARDING MOTION TO COMPEL AND FOR SANCTIONS			

1	Defendant James Arthur Ray, by and through undersigned counsel, hereby submits a		
2	Statement of Costs pursuant to this Court's September 20, 2010 Under Advisement Ruling On		
3	Motion To Compel Disclosure of All Information and Material Regarding the Medical		
4	Examiners' Opinions On Cause of Death, imposing monetary sanctions against the State in		
5	accordance with Arizona Rule of Criminal Procedure 15.7(a). The costs associated with		
6	prosecution of the motion and the re-interviewing of relevant witnesses are detailed in the		
7	attached declaration of Truc T. Do.		
8			
9	DATED: January 19th, 2011 MUNGER, TOLLES & OLSON LLP		
10	BRAD D. BRIAN LUIS LI		
11	TRUC T. DO MIRIAM L. SEIFTER		
12	THOMAS K. KELLY		
13			
14			
15	Attorneys for Defendant James Arthur Ray		
16	Copy of the foregoing delivered this 1914 day		
17	of January, 2011, to:		
18	Sheila Polk Yavapai County Attorney		
19	Prescott, Arizona 86301		
20	by Mino		
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STATEMENT OF COSTS REGARDING MOTION TO COMPEL AND FOR SANCTIONS

12736507.1

1	BRAD D. BRIAN (CA Bar No. 079001, pro hac vice)		
2	Brad.Brian@mto.com LUIS LI (CA Bar No. 156081, pro hac vice)		
3	Luis.Li@mto.com TRUC T. DO (CA Bar No. 191845, pro hac vice)		
4	Truc.Do@mto.com MIRIAM L. SEIFTER (CA Bar No. 269589, pro hac vice)		
5	Miriam.Seifter@mto.com MUNGER, TOLLES & OLSON LLP		
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	THOMAS K. KELLY (AZ Bar No. 012025)		
8	tskelly@kellydefense.com 425 E. Gurley		
9	Prescott, Arizona 86301 Telephone: (928) 445-5484		
10	Attorneys for Defendant JAMES ARTHUR RAY		
11	Attorneys for Defendant MINES ANTHON KM1		
12	SUPERIOR COURT OF STATE OF ARIZONA COUNTY OF YAVAPAI		
13	STATE OF ARIZONA, CASE NO. V1300CR201080049		
14	•	Cristino. Visuolitationogovy	
15	Plaintiff, vs.	DIVISION PTB	
16	JAMES ARTHUR RAY,	Hon. Warren R. Darrow	
17	Defendant.	DECLARATION OF TRUC T. DO IN	
18		SUPPORT OF DEFENDANT JAMES ARTHUR RAY'S STATEMENT OF	
19	COSTS REGARDING MOTION TO COMPEL AND FOR SANCTIONS		
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DECLARATION OF TRUC T. DO

I, Truc T. Do, hereby declare:

Q

- 1. I am an attorney at the law firm of Munger, Tolles and Olson LLP, and am one of the attorneys for Defendant James Arthur Ray in the above-captioned matter. I am duly admitted to practice in the State of California and am admitted as *pro hac vice* in the State of Arizona on this matter. I make this declaration in support of the Defense's Statement of Costs in connection with Mr. Ray's Motion To Compel Disclosure Of All Information And Material Regarding The Medical Examiners' Opinions on Cause of Death ("Motion to Compel").
- 2. On September 20, 2010, the Court granted Mr. Ray's Motion to Compel and imposed monetary sanctions against the State in accordance with Arizona Rule of Criminal Procedure 15.7(a). The Court indicated that the sanctions include "costs associated with prosecution of the motion and the re-interviewing of relevant witnesses."
- 3. Between June 2010 and January 2011, the Defense spent 87.5 hours prosecuting the Motion to Compel and repeating the interviews of law enforcement personnel and medical examiners. The cost associated with this work, as set forth in the attached table, is \$30,625. The hourly rate, as set forth in the attached table, is \$350 per hour which I understand is the rate for attorneys in Prescott, Arizona of similar qualifications handling similar matters.
- 4. On November 17, 2010, the Defense re-interviewed law enforcement witnesses whom the State had previously instructed not to answer questions. The Defense traveled to Prescott to attend the *Terrazas* 404(b) hearing on November 16, 2010 and offered to conduct the re-interviews of these witnesses on November 17 in order to minimize costs to the State, specifically airfare. Thus, the defense only seeks cost necessitated by the additional 1-day stay in the amount of \$634.43, as set forth in the attached table.

1	5. The total cost of the prosecution of the Motion to Compel and the re-interviews of	
2	relevant witnesses is \$31,259.43.	
3		
4	I declare under penalty of perjury under the law of the United States of America that the	
5	foregoing is true and correct and that this Declaration was executed this 19th day of January	
6	2011 at Los Angeles, California.	
7	chuc I ab	
8	Truc T. Do	
9	Copy of the foregoing personally delivered this day of January, 2011, to:	
10	Sheila Polk	
11	Yavapai County Attorney 255 E. Gurley	
12	Prescott, Arizona 86301	
13		
14	By: IV W CC	
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State of Arizona v. James Ray Costs of Prosecuting Motion to Compel Disclosure and Re-interviews of Witnesses

ATTORNEY FEES

Timekeeper	Hours	Rate	Amount
Li, Luis	15.9	\$350	\$5565
Do, Truc	40.2	\$350	\$14,070
Seifter, Miriam	31.4	\$350	\$10,990
Total	87.5		\$30,625.00

COSTS

Description	Amount
Federal Express	\$96.06
Hotel accommodations for November 17, 2010 —Miriam Seifter	\$214.19
Hotel accommodations for November 17, 2010 —Truc Do	\$214.19
Rental car for November 17, 2010	\$109.99
Total	\$634.43

TOTAL: \$31,259.43